

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 19

SENATE BILL 1015

AN ACT

AMENDING TITLE 28, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING
SECTION 28-1390; RELATING TO DRIVING UNDER THE INFLUENCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 4, article 3, Arizona Revised Statutes,
3 is amended by adding section 28-1390, to read:

4 28-1390. Emergency personnel; law enforcement

5 A. NOTWITHSTANDING ANY OTHER LAW, IF A LAW ENFORCEMENT OFFICER
6 REASONABLY BELIEVES THAT A PERSON MAY HAVE VIOLATED SECTION 28-1381, 28-1382
7 OR 28-1383, THE LAW ENFORCEMENT OFFICER MAY REQUEST EMERGENCY DEPARTMENT
8 PERSONNEL OF A HEALTH CARE INSTITUTION AS DEFINED IN SECTION 36-401 TO
9 PROVIDE TO THE LAW ENFORCEMENT OFFICER A COPY OF ANY WRITTEN OR ELECTRONIC
10 REPORT OF THE PERSON'S BLOOD ALCOHOL CONCENTRATION.

11 B. BEFORE REQUESTING THE INFORMATION REQUIRED BY SUBSECTION A OF THIS
12 SECTION, A LAW ENFORCEMENT OFFICER SHALL OBTAIN PERMISSION FROM THE EMERGENCY
13 DEPARTMENT DIRECTOR OR THE DIRECTOR'S DESIGNEE TO SPEAK WITH THE PERSONNEL.
14 THE PERMISSION SHALL NOT BE REFUSED, BUT MAY BE DELAYED IF, IN THE OPINION OF
15 THE EMERGENCY DEPARTMENT DIRECTOR OR THE DIRECTOR'S DESIGNEE, TAKING THE
16 PERSONNEL AWAY FROM PATIENT CARE DUTIES COULD CAUSE PATIENT HARM.

17 C. IF A LAW ENFORCEMENT OFFICER MAKES A REQUEST OF EMERGENCY
18 DEPARTMENT PERSONNEL PURSUANT TO SUBSECTION A OF THIS SECTION, THE PERSONNEL
19 SHALL COMPLY WITH THE REQUEST. EMERGENCY DEPARTMENT PERSONNEL ARE NOT
20 REQUIRED TO DETERMINE WHETHER A LAW ENFORCEMENT OFFICER HAS A REASONABLE
21 BELIEF THAT A PERSON MAY HAVE VIOLATED SECTION 28-1381, 28-1382 OR 28-1383
22 WHEN COMPLYING WITH THE REQUEST IN SUBSECTION A OF THIS SECTION.

23 D. EMERGENCY DEPARTMENT PERSONNEL DO NOT INCUR ANY CIVIL LIABILITY AS
24 A RESULT OF COMPLYING WITH THIS SECTION UNLESS THE PERSONNEL, WHILE
25 PERFORMING THE ACTIVITY, ACT WITH GROSS NEGLIGENCE.

APPROVED BY THE GOVERNOR APRIL 10, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2007.